

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
MAXINE VESTERHALT,

Plaintiff,

-against-

THE CITY OF NEW YORK, POLICE OFFICER BAHIR  
MUSTAFA, Shield No. 8703, DETECTIVE THOMAS  
HOURICAN, Shield #7555, DETECTIVE ROBERT  
YAEGER, Shield #5676, DETECTIVE TRACY  
KUPINSKI, Shield #6863, DETECTIVE THOMAS  
DRISCOLL Shield #7187, and LIEUTENANT RUEL  
STEPHENSON, 28<sup>th</sup> Precinct,

Defendants.  
----- X

**REPLY DECLARATION OF  
PHILIP S. FRANK IN  
FURTHER SUPPORT OF  
DEFENDANTS' MOTION TO  
ENFORCE SETTLEMENT  
OR IN THE ALTERNATIVE  
FOR SUMMARY  
JUDGMENT**

07 Civ. 02142 (MGC)

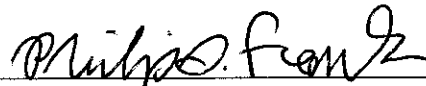
**PHILIP S. FRANK**, an attorney duly admitted to practice in the Southern District of New York, declares, under penalty of perjury and pursuant to 28 U.S.C. § 1746, that the following statements are true:

1. I am an Assistant Corporation Counsel in the office of Michael A. Cardozo, Corporation Counsel of the City of New York, attorney for defendants City of New York, Bahir Mustafa, Thomas Hourican, Robert Yaeger, Tracyann Kupinski, Thomas Driscoll, and Ruel Stephenson ("City defendants"). I am familiar with the facts and circumstances stated herein and submit this reply declaration in further support of defendants' motion to enforce the settlement agreement or in the alternative for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure.

2. Annexed hereto as Exhibit "O" is a copy of City defendants' letter dated June 1, 2009, confirming the parties' agreed upon briefing schedule for Defendants' Motion to Enforce Settlement or in the Alternative for Summary Judgment.

Dated: New York, New York  
July 14, 2009

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Defendants City of New York,  
Bahir Mustafa, Thomas Hourican, Robert  
Yaeger, Tracyann Kupinski, Thomas  
Driscoll, and Ruel Stephenson  
100 Church Street, Room 3-183  
New York, New York 10007  
(212) 788-0893

By:   
Philip S. Frank (PF-3319)  
Assistant Corporation Counsel

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MAXINE VESTERHALT,

Plaintiff,

-against-

THE CITY OF NEW YORK, POLICE OFFICER  
BAHIR MUSTAFA, Shield No. 8703,  
DETECTIVE THOMAS HOURICAN, Shield  
#7555, DETECTIVE ROBERT YAEGER, Shield  
#5676, DETECTIVE TRACY KUPINSKI, Shield  
#6863, DETECTIVE THOMAS DRISCOLL Shield  
#7187, and LIEUTENANT RUEL STEPHENSON,  
28<sup>th</sup> Precinct,

Defendants.

**REPLY DECLARATION OF PHILIP S. FRANK IN  
FURTHER SUPPORT OF DEFENDANTS'  
MOTION TO ENFORCE SETTLEMENT OR IN  
THE ALTERNATIVE FOR SUMMARY  
JUDGMENT AND EXHIBIT**

*MICHAEL A. CARDOZO*

*Corporation Counsel of the City of New York  
Attorney for Defendants City of New York, Bahir  
Mustafa, Thomas Hourican, Robert Yaeger, Tracyann  
Kupinski, Thomas Driscoll, and Ruel Stephenson  
100 Church Street, Room 3-183  
New York, N.Y. 10007*

*Of Counsel: Philip S. Frank  
Tel: (212) 788-0893  
NYCLIS No. 2007-014160*

*Due and timely service is hereby admitted.*

*New York, N.Y. ...., 2009*

*.....Esq.*

*Attorney for .....*